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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 * * *

9 ALI AMIR ABDUL-AZIZ,

10 Plaintiff,

Case No.

11 vs.

COMPLAINT

12 ELDORADO RESORTS, LLC., a Nevada
Limited Liability Corporation, THE CITY
13 OF RENO POLICE DEPARTMENT, and
KELLE HARTER, individually and in her
14 official capacity,

15 Defendants.
16 _____/

17 COMES NOW the Plaintiff, ALI AMIR ABDUL-AZIZ, by and through Counsel, Ian E.
18 Silverberg, Esq., and for causes of action against the Defendants, and each of them, does hereby
19 allege the following:

20 **JURISDICTIONAL ALLEGATIONS**

21 1. Plaintiff at all times relevant herein was and is an adult competent black African-
22 American Muslim male who invokes the Court's Federal Question jurisdiction pursuant to 42 USC
23 § 1981, 42 USC § 1981a, 42 USC § 1983, and related State law causes of action. The Court's
24 pendent jurisdiction is invoked regarding the State law causes of action.

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1 18. Plaintiff responded that he did not have identification and again asked if he was a
2 suspect in a criminal investigation.

3 19. This supervisor responded that the Plaintiff "looked like" someone he had a problem
4 with at the casino on a prior occasion.

5 20. Plaintiff responded that it is not a crime to look like someone and asked if there was any
6 complaint about a black Muslim man committing crimes in the Eldorado wearing a Pittsburgh
7 Steeler's jersey. Plaintiff is African-American and Muslim and was wearing a "kufi," which is a
8 traditional Islamic prayer cap, which the Eldorado Security officer, Cody Wilson, referred to as a
9 beanie in his official report.

10 21. Supervisor of security, Stephen foster, then stated in a very aggressive manner that if
11 the Plaintiff did not have identification, he would need to leave the premises.

12 22. Plaintiff stood up and again asked if he had committed a crime and inquired as to why
13 other patrons, none of whom were African-American and wearing a traditional Islamic prayer cap,
14 were not being asked for their identifications. The Plaintiff gathered his belongings, consisting of
15 a Starbucks cup in one hand, and his laptop in the other.

16 23. Plaintiff then informed both security guards that he is an "execuline member" of the
17 Defendant Eldorado and that he has a corporate account with the Defendant Eldorado. Plaintiff
18 suggested that they walk to the front desk, as many front desk employees would have been able to
19 identify the Plaintiff as a frequent patron of the Defendant Eldorado.

20 24. Plaintiff began to walk towards the escalator that lead to the front desk, at which time
21 the supervising security officer Steven Foster, chest-bumped the Plaintiff while his hands were full.
22 Plaintiff instructed the security officer not to touch him.

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1 30. Defendant KELLE HARTER, an officer with the Reno Police Department, arrived on
2 scene, interrogated the Plaintiff for approximately ten minutes before releasing the Plaintiff from
3 his shackles and contacted paramedics to treat the Plaintiff.

4 31. The Plaintiff provided a copy of his Execuline Corporate Account ID to Defendant
5 HARTER, and then he used his cell phone that was damaged in the attack to call the front desk. He
6 placed the phone on speaker so that the officer could hear and informed the front desk supervisor
7 that she was on speaker phone and a police officer was listening. The front desk supervisor, Lynette,
8 immediately recognized Plaintiff's name and greeted him enthusiastically and inquired if he would
9 be checking into the Eldorado that evening. She even offered to come to the holding cell personally
10 to identify the Plaintiff for the officer, an offer rejected by Defendant HARTER..

11 32. Despite receiving the information that the Plaintiff was not a trespasser, but an existing
12 customer and corporate account holder, Defendant HARTER neglected to go to the front desk and
13 interview the front desk manager, which was omitted from her report without reviewing any of the
14 information Defendant HARTER had just received which clearly indicated the Plaintiff was not a
15 trespasser, but was an existing customer with a corporate account with Defendant ELDORADO, and
16 without reviewing any surveillance video, Defendant HARTER accompanied the Plaintiff to the
17 hospital and issued the Plaintiff a citation and Notice to Appear at the Municipal Court on a charge
18 of trespass.

19 33. Plaintiff left the ELDORADO in an ambulance. He was treated at a local hospital for
20 the injuries he sustained at the hands of the Eldorado Security Guards. Plaintiff was also subjected
21 to prosecution on a specious trespass charge based on the acts and omissions of Defendant
22 HARTER.

23 34. As a direct and proximate result of the acts and omissions of the Defendants, Plaintiff
24 suffered exacerbation of his pre-existing condition of his lumbar spine in which he was previously
25 diagnosed with L4-S1 disc herniations, as well as causing injuries to his back, ribs, neck and legs
26 and was placed in physical pain as a result of the unlawful acts of the Defendants herein.

1 Additionally, the Plaintiff suffered severe emotional distress with physical manifestations as a result
2 of the discriminatory treatment and physical abuse he was subjected to from the Defendants herein.
3 He suffered fear and humiliation as a result of the denial of his constitutional rights under the law
4 and in being singled out in front of other patrons, fellow citizens, and then beaten and attacked when
5 he was complying with the unreasonable demands of ELDORADO security.

6 35. Plaintiff also incurred substantial economic expenses for having to defend himself in
7 the Municipal Court on the baseless charge of trespass.

8 36. It is further alleged herein that Defendant ELDORADO has a pattern and practice of
9 racial and ethnic profiling and has repeatedly and unlawfully ejected people from the casino
10 premises, caused physical harm, up to and including death and subjected people to false arrest and
11 imprisonment, under the guise of false allegations of trespassing.

12 37. It is further alleged that Defendant ELDORADO knew of the acts and omissions of their
13 security guards and either directed them to so behave or simply chose to ignore this unlawful
14 behavior, in any event making an award of punitive damages appropriate.

15 **FIRST CAUSE OF ACTION**

16 **(42 U.S.C. §2000a - Discrimination in Place of Public Accommodation against Defendant**
17 **ELDORADO RESORTS, LLC.)**

18 38. Plaintiff hereby incorporates by reference paragraphs 1-37 of this Complaint as if fully
19 set forth herein.

20 39. Plaintiff is entitled to the full and equal enjoyment of the goods, services, facilities,
21 privileges, advantages, and accommodations of any place of public accommodation, without
22 discrimination or segregation on the ground of race, color, religion, or national origin.

23 40. Defendant ELDORADO RESORTS, LLC., is an establishment affecting interstate
24 commerce in that it is lodgings and a facilities principally engaged in selling food for consumption
25 on the premises and is specifically defined by 42 USC §2000a as a place of public accommodation,
26 which includes any inn, hotel, motel, or other establishment which provides lodging to transient
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1 guests, other than an establishment located within a building which contains not more than five
2 rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his
3 residence.

4 41. Defendant ELDORADO RESORTS, LLC, violated the Plaintiff's rights under 42 USC
5 §2000a by unlawfully and without justification ordering that he leave the premises and then brutally
6 assaulting him while he was complying with their demands.

7 42. Plaintiff is informed and believes and thereupon alleges that the true reason for the
8 treatment he received was based upon his race, African-American, color, black and his religion,
9 Islam.

10 43. As a direct and proximate result, the Plaintiff suffered damages as set forth herein and
11 in an amount to be proved at trial.

12 **SECOND CAUSE OF ACTION**

13 **(42 USC §1983 - Unlawful Arrest - Defendant KELLE HARTER, Individually)**

14 44. Plaintiff hereby incorporates by reference paragraphs 1-43 of this Complaint as if fully
15 set forth herein.

16 45. Defendant HARTER subjected the Plaintiff to arrest without justification or probable
17 cause.

18 46. Defendant HARTER detained the Plaintiff at the Eldorado and then followed the
19 ambulance to the hospital where she remained with him until a citation was issued, and up until that
20 time, the Plaintiff was not free to leave, which amounts to a seizure under the 4th amendment of the
21 United States Constitution.

22 47. The acts and omissions of Defendant HARTER are in violation of the Plaintiff's rights
23 under 42 USC §1983.

24 48. As a direct and proximate result, the Plaintiff has suffered damages as set forth herein
25 and in an amount to be proved at trial.

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THIRD CAUSE OF ACTION

(42 USC §1983 - Unlawful Arrest - Defendant CITY OF RENO)

49. Plaintiff hereby incorporates by reference paragraphs 1-48 of this Complaint as if fully set forth herein.

50. Defendant CITY OF RENO is liable under 42 USC §1983 for the unlawful arrest of the Plaintiff by Defendant HARTER because the Defendant CITY OF RENO has a policy and/or custom of arresting and/or citing individuals based merely on the unsupported and/or false allegations of criminal conduct if the allegations of criminal conduct are raised by local businesses.

51. The allegations of criminal misconduct made to Defendant HARTER by representatives to Defendant ELDORADO were clearly and demonstrably false at the time the Plaintiff was unlawfully detained and cited; yet, based on the policy and/or custom set forth above, the Plaintiff was still unlawfully detained and subsequently issued a citation for criminal trespass.

52. The acts and omissions of Defendant CITY OF RENO amount to a violation of Defendant's rights under 42 USC §1983.

53. As a direct and proximate result, the Plaintiff has suffered damages as set forth herein and in an amount to be proved at trial.

FOURTH CAUSE OF ACTION

(42 USC §1983 - Malicious Prosecution against Defendant KELLE HARTER and Defendant CITY OF RENO)

54. Plaintiff hereby incorporates by reference paragraphs 1-53 of this Complaint as if fully set forth herein.

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SIXTH CAUSE OF ACTION

(Defamation - Defendant ELDORADO RESORTS, LLC.)

62. Plaintiff hereby incorporates by reference paragraphs 1-61 of this Complaint as if fully set forth herein.

63. Defendant ELDORADO RESORTS, LLC., made a false, defamatory and unprivileged statement concerning the Plaintiff to the Reno Police Department, which was made in bad faith, with actual malice and without reasonable grounds to believe the statement concerning the Plaintiff was true and/or in reckless disregard of whether it was false or not.

64. Plaintiff sustained actual or presumed damages as a result of the defamatory statement as set forth herein.

WHEREFORE, Plaintiff respectfully requests the following relief:

1. Compensatory damages in the amount of
2. Special damages according to proof;
3. Punitive damages in the amount of;
4. Attorney's fees and costs; and,
5. For any further relief the Court may consider appropriate under the circumstances.

DATED this 2nd day of September, 2014.

/s/ Ian E. Silverberg, Esq.
Ian E. Silverberg, Esq., P.C.
Attorney for Plaintiff
ALI AMIR ABDUL-AZIZ